

Exhibit “2”

Draft dated March 15, 2010

from Neal H. Levin, Esq.,
Freeborn & Peters LLP

to

Jacob Gitman

and

Michael Giventer

“PLAINTIFF’S MOTION TO COMPEL
PRODUCTION BY AGRO-ENERGY
HOLDING, LLC”

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 02-20245-CIV-HUCK
Hon. Paul C. Huck

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, et al.,

Plaintiffs,

vs.

SLAVIK STEIN, et al.,

Defendants.

PLAINTIFFS' MOTION TO COMPEL PRODUCTION BY
AGRO-ENERGY HOLDING, LLC

Pursuant to Federal Rules of Civil Procedure 37 and 45, Plaintiffs State Farm Mutual Automobile Insurance Company and State Farm County Mutual Insurance Company of Texas (together, "State Farm") hereby move this Court to compel Agro-Energy Holding, LLC ("Agro Holding") and its manager, Yakov Gitman ("Gitman"), to produce certain documents responsive to the Rule 45 subpoena issued to Argo Holding.

As more fully explained in the accompanying Memorandum of Law, State Farm issued a subpoena to Agro Holding on December 23, 2009. The subpoena commanded Agro Holding to appear for a deposition on December 29, 2009. It also commanded Agro Holding to produce certain documents, in accordance with Federal Rule of Civil Procedure 45. On December 29, 2009, in accordance with the subpoena, State Farm deposed Gitman, who acknowledged receipt of the subpoena and did produce some documents responsive to the subpoena. However, Gitman failed to produce a number of documents that he acknowledged existed but would not produce without an order from this Court.

Therefore, Agro Holding failed its obligations under the subpoena and federal rules. In accordance with Federal Rule of Civil Procedure 37(a)(5)(A), this Court should require Agro Holding to pay State Farm's reasonable expenses incurred in making this motion, including attorney's fees. Additionally, in accordance with Federal Rule of Civil Procedure 45(e), this Court should hold Agro Holding and Gitman in contempt for failing to obey the subpoena without an adequate excuse despite being served.

WHEREFORE, State Farm hereby respectfully requests that its motion be granted and that this Court compel Agro-Energy Holding, LLC and Yakov Gitman to produce the documents identified in the accompanying Memorandum of Law, assess against Agro-Energy Holding, LLC the costs and fees associated with the Motion and supporting Memorandum of Law in support thereof, find Agro-Energy Holding, LLC and Yakov Gitman in contempt, and grant all such further relief as the Court deems appropriate.

Dated: March 15, 2010

Respectfully submitted,

/s/ Neal Levin

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